

JESSE FLECK

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Docket No.: 0313 2:21cr00305-001

VS.

JESSE FLECK

SENTENCING MEMORANDUM

I. BACKGROUND

A. PERSONAL AND FAMILIAL HISTORY

As noted in the presentence report, Jesse Fleck, hereinafter referred to as “Jesse”, was born and raised in Pennsylvania. At a young age Jesse saw firsthand the importance of dedicating yourself to your profession as his single parent mother moved multiple times to whatever location provided the best opportunity to work and support her family. That work ethic was instilled and remains very strong. Any and all accounts of Jesse will confirm he was a hard working career man who made it his business to be the best SEPTA technician he could be.

Jesse, a married father of three, progressed quickly through the ranks and was considered to be a reliable and very knowledgeable employee. He was invited to work on major projects and was ultimately promoted to management due to his hard work. At the time of the instant offense, Jesse had a team of employees and developed a SEPTA support model which allowed for better maintenance and larger profits for the company. That model has been mimicked in public transportation entities throughout the country. Jesse was proud to be a part of the system and honored to provide solutions which made it work better.

Outside of SEPTA, Jesse, a U.S. Navy veteran is a devout family man who married his high school friend. Together they worked their way from their humble beginnings to becoming homeowners with a beautiful family which includes a 9-year-old daughter and a set of 7-year-old twin girls. Jesse is responsible for overseeing their education and started work at 4:30am so he could pick them up from school daily and be a part of the school’s parent coalition. It’s important to him they experience a two-parent household where they are able to receive the support needed to excel. His goal is to instill the same work ethic he saw in his mother while adding a family environment

based in love. He wants them to know there are no shortcuts in life and you must work for everything you receive.

With that said, I assure you, Jesse understands he was a walking hypocrite. He now has to look his wife in the eye, who is a Philadelphia County Probation Officer, and tell her "I was a part of criminal justice field you work every day to eliminate". Jesse understands he let his family, the community and himself down by taking the easy way out and not fighting to rise above what he was exposed to and what most expected from him.

The Court will see in the attached character letters a common theme of kindness, honesty, loyalty and reliability. These traits are much more an accurate depiction of who he is than the horrendous mistake he made in the instant matter.

B. THE INSTANT OFFENSE

The instant offense is one Jesse is not looking to justify. Jesse immediately took responsibility for his actions and has made every attempt to right the wrongs he actively participated in. He was fully aware there was a procedure in place to fraudulently steal funds from the taxpayers of the city by falsifying work orders. He also knew his knowledge of his craft and his professional opinions furthered this scheme both directly and indirectly. Jesse is very disappointed in himself for being a part of what he fully understands is a problem. He worked hard enough to be trusted with a position of power, yet when the time came to stand firm he failed. There are no excuses to offer the Court for the illegal behavior.

**II. JESSE FLECK'S REQUEST FOR SENTENCING PURSUANT
TO 18§3533**

Jesse is not asking for a pass. He knows his actions were both criminal and immoral. However, he is simply asking for understanding. Understanding of why he wasn't strong enough to stand up, make the right choice and stand firm on his morals and principles. He is willing and able to be a better person for not only himself but for his three daughters, wife and the community in which he lives.

I'm asking that Jesse's sentence reflects just that; a justified punishment along with an opportunity for redemption.

Jesse Fleck, by and through his attorney, Donte Mills ESQ., respectfully request that this Court sentence him pursuant to 18§3533.

Respectfully Submitted.

Donte Mills
Mills & Edwards, LLP
Attorneys for Defendant
14 Penn Plaza, 20th floor
New York, NY 10122
212-635-2969

CERTIFICATE OF SERVICE

I. Donte Mills, Esquire, certifies that a copy of the foregoing Sentencing Memorandum was served, via electronic-delivery, to the following:

Louis Lappen, Esquire @ louis.lappen@usdoj.gov

Date: March 9, 2022

Mills & Edwards, LLP
Attorneys for Defendant
14 Penn Plaza, 20th floor
NEW York, NY 10122
212-635-2969

EXHIBIT “A”

Aneesha Shabazz
5337 Knox Street
Philadelphia PA 19144
267-456-9997
Ashabazz1908@gmail.com

September 9, 2021

Re: Jesse Fleck

To Whom It May Concern:

I have known Jesse Fleck for over 10 years and our friendship continues to develop as our children grow up together. Despite being involved with this troubling matter it is still hard for me not to see Jesse as a reliable and loyal friend who is also an amazing father.

Jesse has always been dependable throughout our friendship. Over the past 10 years I have called Jesse so many times to help me with my property. Each time I am confident that he handles my property as if it was his own home. I have called him for several emergency situations such as the time when there was a Nor'easter and he quickly fixed my roof to secure my property then he followed up by replacing the windows on the third floor because I had severe water damage. It is hard for him to talk or relax outside without noticing that something needs to be addressed. Jesse has shown up to my home unexpectedly and remove tree limbs, repair drain spouts, drop off large and oversized items or repair concrete with the hopes to prevent future damage. I have felt so comfortable in seeking advice from him that Jesse was the first person I called when I felt that I was not being given the best advice by a HUD contractor.

Although I am so appreciative of his help I am most thankful that my 84 year old mother feels comfortable calling Jesse when she has issues with her house. Even with being a father of 3 he has stopped doing what he was doing to secure her property when her privacy fence was destroyed among several other repairs and fixes.

Thank you for taking the time to consider my letter to vouch for Jesse's character. He is so much more than his involvement and I am interested with how he plans to move forward. I am excited to see how his new business venture of building custom golf carts will flourish over time. My family has already been the recipient of receiving donations at Legacy Tennis Association in the form of sports equipment and snack donations so know that he will continue to give back to the community and non-profit organizations as his business grows. It has been my pleasure to share some of my experiences with Jesse. If the court would like to contact me please feel free to call me on my cellular phone and/or mail.

Aneesha E. Shabazz

Anthony Tran - Quality Assurance Manager – Sugairight LLC
200 Rock Run Road, Fairless Hills, PA 19030

August 28th 2021

To Whom it may concern

My name is Anthony Tran. My relationship with Jess Fleck is a very close friend whom I have known for about seven years. Jesse has been in my opinion, someone whom I have looked up to for help and advice for many things such as house repairs, relationship building, finances, and more. He genuinely seeks to help others in need and is reliable in almost every way imaginable.

Jesse has helped me and many others with many household reconstructions. He has helped my family fix our garage, electrical issues, patching chimneys, installing drywall, replacing windows, installing laminate flooring, and so much more at absolutely no charge. I am always impressed with his high level of work and attention to detail. I have had let him know several times that if he ever needs a helping hand with any work at his home, please do let me know, but Jesse has not called me once for help which further explains his generosity and commitment to helping others without asking anything else in return.

When we have dinner and drinks together at his home, many neighbors always greet Jesse and his family. It is clear to me Jesse has a very positive reputation within his neighborhood community. Not only is Jesse well known in his development, but Jesse also has an excellent rapport through with friends and family. I have met his wife's immediate family. Ngoc Fleck has 4 other sisters all married and have several children. From my friendship with Jesse, I have witnessed his brother in laws reach out to him for help. Jesse has done nothing but deliver and proven to become more and more reliable in front of many. Not only is Jesse a great support for many, but he is also a great teacher.

Jesse has taught and given me a wide variety of skillsets such as patching roofs and houses, maintaining pools, plumbing condensation lines, and more. Additionally, he had taught me patience and most importantly having confidence in oneself. Initially, I have been very eager to be liked and appreciated amongst others, but after a several years of friendship, Jesse had taught me to focus and improve only myself and my immediate family. I have learned that what lies behind us and what lies before us are only minimal compared to what lies within us. I am glad to have Jesse as a friend; without him, I would have had a much more difficult lifestyle with not a clue in self direction. Jesse has been an older brother in my eyes and a companion through many. He intently listens as others speak and only responds openly and honestly.

In summary, Jesse is one of my closest friends and I would not be able to imagine a life without him.

Sincerely,

Anthony Tran

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200 Rock Run Road, Fairless Hills, PA 19030

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Sincerely,

Anthony Tran

Holly Do Nguyen
2105 E Hagert Street
Philadelphia, PA 19125

August 11, 2021

RE: Character Reference for Jesse Fleck

To Whom It May Concern:

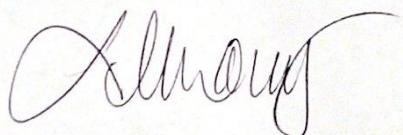
My name is Holly Do Nguyen and I am writing this letter on behalf of Jesse Fleck. I have known Jesse for over 25 years. He attended high school with two of my older sisters and has been married to one of my sisters for 13 years. It seems he has always been a part of my family.

Jesse is a good guy and always willing to help those in need. I remember he would come over to my parents' house during his high school days and help them out as much as he could. My parents didn't speak much English and Jesse didn't understand Vietnamese, but he somehow managed to complete any task they asked of him. He would joke around with us younger siblings, and coming from a family of predominantly females, it was nice to have an "older brother" figure around. To this day, he still runs around doing errands for my mother, from buying kitty litter to picking up diapers for my brother, who has special needs.

Jesse is a model citizen and served our country in the Navy. He is a great father to his three daughters and a loving husband to my sister. He is very reliable and hard working. He would do anything for anybody.

I sincerely hope that the court takes this letter into consideration at the time of sentencing. I believe that Jesse Fleck is a good human being and an honorable member of society.

Thank you,



Holly Do Nguyen

To whom it may concern:

I have known Jesse Fleck for almost 20 years. I met and married his mother, Mary Fleck. Jesse has been my family since then. His mother and I live in Montana and he has come out to visit at least twice a year.

Jesse is a very capable and technically proficient. Having my own wood working business, I have tremendous respect for the breadth of his abilities. For me, he is my go to guy when I have a problem.

One Thanksgiving Day, he and his family were out for the holiday when the water and septic lines shut down at the same time. We were very fortunate that he was there. He was able to repair a balky electric system governing the water system. (it was an old house) and then tackled the sewer problem which was even more complicated. He dug up the line in a low crawl space and followed it out to the tank. There was a break in it and after a two hour trip to get parts he patched it together.

Well when it rains it pours and that didn't fix the problem. We found a neighbor who had a particular snake and after much dirty, wet work he was able to clear the line and fix the problem!

Since we moved to our new house, he has been instrumental in keeping it going on every visit. Giving time selflessly to help us. He's built outside stairs to make it easier for me to reach my shop, rebuilt the deck and a lot of other inside projects.

We couldn't have done it without him. Jesse and his wife bought an older house which he has been in the process of rebuilding since they have owned it. He does beautiful work. Needless to say, he's a hands on guy who generously gives his time to help family and friends. I could go on with stories about how Jesse has helped our neighbors as well. We live in a very small community and everyone looks forward to Jesse's visits !

Regards,

Mark Tinsky
372 High St.
Wolf Creek, MT 59648
406 439 6252

August 29, 2021

To Whom It May Concern:

As Jesse Flecks mother, I can proudly reach back many years and whole heartedly attest to his responsible, generous, and kind disposition. He takes the initiative to help a neighbor, support family members or resolve a conflict. With a strong work ethic that doesn't stop at 5:00 or weekends, he tirelessly performs any task he undertakes satisfactorily and sees to its completion.

No job is left haphazard or ignored.

Jesse Fleck is an informed, responsible citizen who has never neglected a jury duty, his voting privilege or volunteer work in any community he has resided.

It is however, as a Father where he truly shines. Jesse is blessed with a happy, cohesive family. He and his wife are the parents of 3 little girls, a nine-year-old honor student and a set of twins entering first grade. He is in St. Christopher's School parking lot daily at dismissal to collect them and get the day's highlights. Homework is taken very seriously in this household.

His responsibility to them and the respect he has for them and his wife assures me, over and over that I raised a fine man.

I am continually impressed with the unending patience he has with his little daughters.

He can happily be their guest at a tea party or just as willingly explain a flooring project. From combing out their showered tangled hair to assuaging a perceived insult, he is their very own Hero.

Jesse Fleck is a remarkable human being in many ways and I have no doubt he will usher in a unique group of young women who will do much good in the world.

If I can be of further service please feel free to contact me.

Sincerely,
Mary Fleck
406-202-5689
372 High Street
Wolf Creek, MT 59648

Jesse Fleck Character Letter

To whom it may concern:

I am writing this letter with the hope that it will help you to see the kind of person I know Jesse Fleck to be, despite the circumstances that have led us all to this point.

The first time I met Jesse he was helping his dad with a sidewalk at my in-laws house. As I joined in to help, we immediately started talking about our past and our future, and we talked like we had known each other for years. Little did I know, that day would lead to us being friends and working together for two different companies. Time flies, as that day was 20 years ago.

Over the last 20 years, Jesse and I have grown closer, as both our work and personal lives have paralleled each others. First, I took him under my wing and trained him when we worked and traveled together at United Drilling, Inc. Then, Jesse returned the favor and trained me when I went to work at SEPTA. I learned so much from Jesse and I truly feel that SEPTA's Buildings and Bridges department was run most efficiently when he was the acting Senior Director. He proved to be a great decision maker and leader of men.

Also, over that time we have both married and had children, and have helped each other out countless times along the way. Jesse has always been the first person I call when I need help, advice, or just simply need someone to talk to. Even now that he is a husband and father of three children, he will still literally drop everything he is doing and will "give me the shirt off his back." We live one hour apart, and many times he's the first person to stop by when I need help.

I would love to elaborate more on the influence Jesse has had on my personal and professional career if given the opportunity. I can be contacted at mjtrauger@gmail.com or (267) 517-2235.

Thank you,
Matt Trauger

Thinh Nguyen
121 Hampden Rd
Upper Darby, PA 19082

August 12, 2021

To whom this may concern:

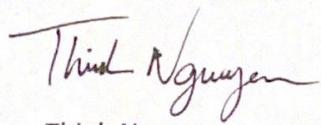
My name is Thinh Nguyen and I am writing this letter to provide a character reference for Jesse Fleck. I am Jesse's friend and brother-in-law. I have known him for over 18 years.

I have known Jesse to be hard-working and dependable. I know I can always rely on him. He is trustworthy and very dedicated to his family. He will do anything to provide for his wife and three daughters.

Jesse is a person of good moral character. I realize that might seem hard to believe given the circumstances, but it is true nonetheless. He served our country for years while in the Navy. He is a stand-up citizen. He always wants to help others in every possible way and sometimes, that can be his downfall.

Jesse has made mistakes and he is incredibly remorseful. He is willing to do whatever it takes to make reparations. In order to do that, he needs to be able to have a second chance. Jesse is an honorable individual and it is my hope that the court take this letter into consideration at the time of sentencing.

Thank you,



Thinh Nguyen

Thomas Zebrowski

August 2, 2021

To Whom it may concern,

I have known Jesse Fleck over the past four years as a hardworking, kindhearted person, and a great father. It was rather shocking to find out about Jesse's current situation with this case, as he has always been a stand-up individual. Therefore, it is my pleasure to write this letter of reference for Jesse Fleck in reference to his character and hope the court will show whatever leniency it is able to provide.

Jesse has been a good friend and has always been there for me when needed. Whether it is just someone to talk to for advice or guidance, Jesse has always helped to the best of his ability and had my best interests at heart. If I was ever in need Jesse would help at the drop of a hat. For example, on a random Saturday morning in the dead of winter my car battery died, and I called Jesse for help. He loaded his three daughters up and was on his way to provide me assistance. That is the kind of person Jesse is, always there with a helping hand when needed.

As Jesse's coworker it saddens me that he is in this situation, but I can state without a doubt Jesse worked as hard as he could until the second he left. It is my honest opinion he always had SEPTA's best interest at heart and would answer calls and questions after hours or on days off. He is well respected among his peers and coworkers.

It comes as no surprise to me that Jesse has decided to take full responsibility for his actions, and I truly believe this will make him a better person in the end. Jesse has always been a man of high character and a great role model for his young daughters. Through our friendship I was able to see firsthand the love and care he has for his family, and truly what kind of man he is.

I pray the court will take this letter and its words into consideration at his time of sentencing. Even during this current circumstance, I still believe Jesse Fleck is a good man and has much more to contribute to his community.

Sincerely,



Thomas Zebrowski

Yen Wong
293 Chilton Ct
Plymouth Meeting, PA 19462
(484) 686-1343
yenmwong@gmail.com

21th July 2021

Your Honor,

I am writing to urge leniency in the case of my friend Jesse Fleck.

I have known Jesse for more than 25 years since high school through his wife who is a very close friend. I am aware of the gravity of the situation but wholeheartedly believe he has taken full accountability and this mistake does not reflect his true character.

In the time I've known Jesse, I've seen him become a dedicated husband to my friend and loving father to his children. He has been a great friend to not only me but anyone fortunate enough to know him.

He is easy going and always quick to offer a helping hand to friends and strangers alike. So I can see how his easy going nature led to a mistake of trying to fit in and making a bad decision. But I can assure you Jesse is a good, honest, and hardworking person who cares for those around him and his community. So it's my sincere hope the court takes this letter into consideration.

Sincerely,

Yen Wong